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OFFICE OF PETITIONS

In re	:
Moore, et al.	:
Application No. 09/815,447	: DECISION ON APPLICATION
Filed: March 21, 2001	: FOR PATENT TERM ADJUSTMENT
Patent No. 6,963,875	: AND
Issued: November 8, 2005	: NOTICE OF INTENT TO ISSUE
	: CERTIFICATE OF CORRECTION

This decision is in response to the letter, filed November 14, 2005, notifying the Office of an error in Patentees' favor in the determination of patent term adjustment under 35 U.S.C. § 154(b).

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED** to the extent indicated herein.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **six hundred twenty-five (625)** days.

On November 8, 2005, the above-identified application matured into U.S. Patent No. 6,963,875. The patent issued with a Patent Term Adjustment of six hundred sixty-nine (669) days. Patentees state that according to their calculation the patent term adjustment should be five hundred sixty-three (563) days.

The Office determined a patent term adjustment of six hundred sixty-nine (669) days based on an adjustment for PTO delay of six hundred forty (240) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), twenty-six (26) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R.

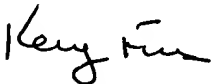
§ 1.703(a)(2), and eighty (80) days pursuant to 35 U.S.C. 154(b)(1)(A)(iv) and 37 C.F.R. § 1.703(a)(6), reduced by applicants' delay of seventy-seven (77) days pursuant to 35 U.S.C. 154(b)(2)(C)(i) and 37 C.F.R. § 1.704(c)(8).

A review of the application reveals that applicants should have been assessed additional delay of forty-four (44) days pursuant to 35 U.S.C. 154(b)(2)(C)(i) and 37 C.F.R. § 1.704(c)(10). The Office mailed a Notice Regarding Drawings on August 5, 2005. Applicants filed a response on September 26, 2005. The application issued into a patent on November 8, 2005. Accordingly, pursuant to 37 C.F.R. § 1.704(c)(10), applicants should have been assessed delay from September 26, 2005 until November 8, 2005, or forty-four (44) days.

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is six hundred twenty-five (625) days (746 (640+26+80) days of PTO delay, reduced by 121 (77+44) days of applicant delay). Accordingly, issuance of a certificate of correction pursuant to 35 U.S.C. 254 and 37 CFR § 1.322 is appropriate. No petition fee was required and none has been charged. The Office thanks Patentees for their good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 CFR 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **six hundred twenty-five (625) days** subject to any disclaimers.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.



Kery Fries
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Draft Certificate of Correction (1 page)